



## Legislation Text

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**File #: 151183, Version: 1**

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151183  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate North 5th Street, between West Highland Avenue and West Juneau Avenue, and the east-west alley in the block bounded by North 4th Street, North 5th Street, West Highland Avenue extended and West Juneau Avenue, in the 4th Aldermanic District.

This substitute resolution vacates the above street and alley in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee for the purpose of constructing an arena.

Whereas, It is proposed that North 5th Street, between West Highland Avenue and West Juneau Avenue, and the east-west alley in the block bounded by North 4th Street, North 5th Street, West Highland Avenue extended and West Juneau Avenue be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Sections 62.73(1) and 840.11, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said street and alley as indicated by Exhibit A and bound and described by:

All of North 5th Street in the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, lying between the north line of West Highland Avenue extended and the south line of West Juneau Avenue extended; and

All of the east-west 20-foot-wide alley in Block 43 of Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, lying between the present west line of North 4th Street extended and the east line of North 5th Street extended is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Sections 62.73(1) and 66.1005(2), Wisconsin

Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above-described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said street and alley had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easement or other documents necessary to assert the City of Milwaukee's rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded in the Milwaukee County Register of Deeds Office.

DCD:Kyle.Gast:kcg

02/11/16